

**Appalachian Mountain Advocates ■ Earthjustice ■ Natural Resources Defense Council ■
Public Justice ■ Sierra Club**

January 6, 2016

Gina McCarthy
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20229

Dear Administrator McCarthy:

On behalf of all our members and supporters, we are writing today to ask you to stand up for the communities in West Virginia who are living with the devastating pollution caused by mountaintop removal coal mining by disapproving recent changes to the state's Clean Water Act program.

In response to pressure from the coal industry, the West Virginia legislature has passed two bills that remove the existing narrative condition in National Pollutant Discharge Elimination System (NPDES) permits that requires coal mines to comply with all applicable water quality standards, and prohibit the West Virginia Department of Environmental Protection from incorporating such a provision in future permits.

These actions by the West Virginia legislature are transparently aimed at relieving coal mine operators of any obligation to address ionic pollution from coal mine valley fills caused by mountaintop removal mining. EPA's own studies have identified the threat posed by this pollution. As you know, the practice of mountaintop removal strip mining has proven time and again to be completely destructive to the environment and dangerous to the health of communities living in the shadows of these massive mines.

EPA has been an ally to citizens of Appalachia where their local and state officials have repeatedly failed to uphold their legal obligations to control the pollution from mountaintop removal. West Virginia's program revisions cannot take effect unless approved by EPA. We believe EPA should – and, just as importantly, has the authority to – disapprove these revisions.

We have provided your staff detailed information on this issue that we hope will be used in making your final decision. As always, we are more than willing to keep this dialog open. We look forward to continuing our work together in protecting the waterways and communities in Appalachia.

Sincerely,

Peter Morgan
Sierra Club

Joe Lovett
Appalachian Mountain Advocates

Jennifer Chavez
Earthjustice

Jim Hecker
Public Justice

Jon Devine
Natural Resources Defense Council